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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,892	11/18/2003	Richard Ormson	WN-2619	2814
21254	7590	07/11/2006	EXAMINER	
		MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817	BALAOING, ARIEL A	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/714,892	ORMSON ET AL.
	Examiner	Art Unit
	Ariel Balaoing	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 April 2006.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 and 10-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### ***Response to Arguments***

2. Applicant's arguments filed 04/28/2006 have been fully considered but they are not persuasive.

3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., The possible re-selection process described in [Amerga] is directed to the process of emerging from the idle mode, and does **not involve the initial camping process at power up**. In contrast, the present invention does address the initial selection of the camping selection **at power-up**) (*see page 9 of the remarks*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As pointed out by the applicant on page 7 and 8 of the remarks, *subsequent to monitoring, the cell identified from all of the radio technologies searched as being the most suitable is selected and camping for the first time occurs onto that cell.* (emphasis added). While Amerga discloses the monitoring and cell selection while already camped, the first time a mobile device camps on a newly monitored system still occurs subsequent to monitoring for the best available cell. The claims as written do not differentiate as to when initial camp occurs (after waking from idle mode, during

power up of the mobile, etc.). The limitation “*A mobile station first accesses a system*” does not necessarily imply “during power up” as suggested on page 8 last paragraph of the applicants remarks.

Regarding claims 18 and 19, the applicant argues “applicants submit that [Otting] differs from the plain meaning of the claim language of the present invention defined by the independent claims 18 and 19, wherein the best cell is determined, after monitoring all the RATs, for purpose of determining the specific cell for the initial camping. In contrast, Otting defines camping as involving the coordination between the mobile station and the base station of the network, a different concept from the plain meaning of the description in claims 18 and 19, wherein the initial camping involves the most suitable cell” (see page 10 of the remarks); the examiner respectfully disagrees.

Claim 18 (and similarly claim 19) recites the limitations *determining which cell is most suitable, after monitoring more than one radio technology for possible cells; and camping onto said most suitable cell as an initial camping*. It can be further seen from abstract that Otting provides for a *method for allowing a radiotelephone to scan for alternate radiotelephone systems, where each cell has a base station providing paging and voice communication, includes a first step of registering the radiotelephone on a radiotelephone system*. Therefore camping on the best available network involves camping on the most suitable cell (i.e. a cell that provides the services deemed beneficial by a user) as determined by the system.

***Claim Rejections - 35 USC § 102***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-7, 10-19 are rejected under 35 U.S.C. 102(e) as being anticipated by AMERGA et al (US 2004/0043798 A1).

Regarding claim 1, AMERGA discloses a method of network acquisition for a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (abstract), said method comprising: searching to identify a suitable cell on one radio technology (**802**; paragraph 79, 80; measurements of the neighbor cells are performed); subsequent to identifying a suitable cell on the one radio technology (**808**; cell selection has not failed, therefore a cell is found suitable to acquire), monitoring cells on another of the plurality of radio technologies in order to identify if one of the monitored cells is more suitable than the cell identified on the one radio technology (**810**; paragraph 83; scheduled inter-RAT monitored cells are searched); and subsequent to said monitoring, selecting and camping for a first time on a cell identified from all of the radio technologies searched as most suitable (**834**; best cell is selected from all available access technologies).

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. AMERGA further discloses wherein said monitoring the cells on another RAT comprises monitoring neighboring cells on all of the plurality of RATs (**812**; paragraph 84, 85).

Regarding claims 3 and 10, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. AMERGA further discloses wherein the

step of monitoring cells on another RAT comprises obtaining a BA (neighboring cell) list on the said identified cell but for all of the plurality of other RATs read (paragraph 58, 60, 79, 83, 84; intra-frequency cells on the monitoring list are monitored before inter-RAT cells on monitoring list).

Regarding claims 4, 11, and 12, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. AMERGA further discloses wherein the suitability of the cells is determined on a basis of a strength of a signal received therefrom (paragraph 67).

Regarding claim 5, 13, and 14, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. AMERGA further discloses wherein the identifying a suitable cell comprises determining a derivative of a strength of signal received therefrom (paragraph 68).

Regarding claim 6, AMERGA discloses a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (abstract) and including means for searching to identify a suitable cell on one radio technology (**802**; paragraph 79, 80; measurements of the neighbor cells are performed); means for monitoring cells on another of the plurality of radio technologies (**808**; cell selection has not failed, therefore a cell is found suitable to acquire), subsequent to an identification of a suitable cell on the said one radio technology, so as to identify if one of the said monitored cells might prove more suitable than the said identified cell (**810**; paragraph 83; scheduled inter-RAT monitored cells are searched); and further including means for, subsequent to the said monitoring, selecting and camping on the cell identified as the

most suitable, as an initial camping (834; best cell is selected from all available access technologies).

Regarding claim 7, AMERGA discloses a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (abstract) and including means for searching to identify a suitable cell on one radio technology (802; paragraph 79, 80; measurements of the neighbor cells are performed); means for monitoring cells on another of the plurality of radio technologies (808; cell selection has not failed, therefore a cell is found suitable to acquire), subsequent to an identification of a suitable cell on the said one radio technology, so as to identify if one of the said monitored cells might prove more suitable than the said identified cell (810; paragraph 83; scheduled inter-RAT monitored cells are searched); and further including means for, subsequent to the said monitoring, selecting and camping, as an initial camping, on the cell identified as the most suitable (834; best cell is selected from all available access technologies).

Regarding claim 15, AMERGA discloses a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (abstract) and including means for searching to identify a suitable cell on one radio technology (802; paragraph 79, 80; measurements of the neighbor cells are performed); means for monitoring cells on another of the plurality of radio technologies (808; cell selection has not failed, therefore a cell is found suitable to acquire), subsequent to an identification of a suitable cell on the said one radio technology, so as to identify if one of the said monitored cells might prove more suitable than the said identified cell (810; paragraph

83; scheduled inter-RAT monitored cells are searched); and further including means for, subsequent to the said monitoring, selecting and camping, for a first camping, on the cell identified as the most suitable (834; best cell is selected from all available access technologies).

Regarding claim 16, AMERGA discloses a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (802; paragraph 79, 80; measurements of the neighbor cells are performed) and including means for searching to identify a suitable cell on one radio technology (808; cell selection has not failed, therefore a cell is found suitable to acquire); means for monitoring cells on another of the plurality of radio technologies (810; paragraph 83; scheduled inter-RAT monitored cells are searched), subsequent to an identification of a suitable cell on the said one radio technology, so as to identify if one of the said monitored cells might prove more suitable than the said identified cell (810; paragraph 83; scheduled inter-RAT monitored cells are searched); and further including means for, subsequent to the said monitoring, selecting and camping, for a first time, on the cell identified as the most suitable (834; best cell is selected from all available access technologies).

Regarding claim 17, AMERGA discloses a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (abstract; col. 4, lines 17-37) and including means for searching to identify a suitable cell on one radio technology (abstract; column 4:lines 17-59; column 6:lines 10-46); means for monitoring cells on another of the plurality of radio technologies (abstract; column 4:lines 17-59;

column 6:lines 10-46), subsequent to an identification of a suitable cell on the said one radio technology, so as to identify if one of the said monitored cells might prove more suitable than the said identified cell (abstract; column 4:lines 17-59; column 6:lines 10-46); and further including means for, subsequent to the said monitoring, selecting and camping, for a first time, on the cell identified as the most suitable (abstract; column 4:lines 17-59; col. 5, lines 6-37; column 6:lines 10-46).

Regarding claim 18, AMERGA discloses a method of network acquisition, comprising: determining which cell is most suitable after monitoring more than one radio technology (RAT) for possible cells (paragraph 79-83); camping onto said most suitable cell as an initial camping (paragraph 79-83).

Regarding claim 19, AMERGA discloses a device that operates with a plurality of radio technologies (abstract), said device comprising: a detection module for monitoring cells on more than one of said plurality of RATs and for identifying which cell in said plurality of RATs is most suitable for camping (**250, 280**; paragraph 79-83); and a controller for camping, for a first time, on said cell identified as most suitable (**260**; paragraph 79-83).

6. Claims 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by OTTING (US 6,477,372 B1).

Regarding claim 18, OTTING discloses a method of network acquisition, comprising: determining which cell is most suitable after monitoring more than one radio technology (RAT) for possible cells (410, 412, 414, 404; mobile registers with network and camps on the cell deemed best); camping onto said most suitable cell as an initial

camping (410, 412, 414, 404; mobile registers with network and camps on the cell deemed best).

Regarding claim 19, OTTING discloses a device that operates with a plurality of radio technologies (abstract), said device comprising: a detection module for monitoring cells on more than one of said plurality of RATs and for identifying which cell in said plurality of RATs is most suitable for camping (410, 412, 414, 404; col. 6, lines 10-33; mobile registers with network and camps on the cell deemed best); and a controller for camping, for a first time, on said cell identified as most suitable (410, 412, 414, 404; col. 6, lines 34-46; mobile registers with network and camps on the cell deemed best).

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-

7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ariel Balaoing – Art Unit 2617

AB

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER